

Hearing Officer Transmittal Checklist

Hearing Date
3/4/14
Agenda Item No.
5

Project Number: R2012-02851-(2)
Case(s): Conditional Use Permit 201200162
Planner: Travis Seawards

- ☒ Factual
- ☒ Property Location Map
- ☒ Staff Report
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions
- ☒ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☒ Previous CUP Approval
- ☐ Correspondence
- ☐ Coverage Maps
- ☒ GIS Layers Map
- ☒ Photographs & Photo-simulations
- ☐ Aerial Image(s)
- ☐ Land Use Radius Map
- ☐ Tentative Tract / Parcel Map
- ☒ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans

Reviewed By: _____





Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER

R2012-02851-(2)

HEARING DATE

March 4, 2014

REQUESTED ENTITLEMENTS

Conditional Use Permit No. 201200162
Environmental Assessment No. 201200303

PROJECT SUMMARY

OWNER / APPLICANT

T-Mobile West Corp

MAP/EXHIBIT DATE

11/9/12

PROJECT OVERVIEW

The project is a request for a CUP for the continued operation and maintenance of an existing 55-foot monopalm wireless telecommunications facility with 3 sectors of antennas (2 antennas per sector) for a total of 6 antennas located within a lease area of approximately 400-square feet. Within the fenced lease area are multiple equipment cabinets of up to 8-feet in height. An unassigned parking space is available within the parking lot of a shoe warehouse facility. The project includes the removal and replacement of six existing antennas with six new Air-21 Antennas, removal and replacement of existing TMAs with three new twin AWS TMAs, and the installation of a new 8/18 HCS fiber cable. The wireless facility was previously authorized by CUP No. 01-031 on July 23, 2001. The project site is located on a portion of the parking lot adjacent to a shoe warehouse facility (APN 7318011810).

LOCATION

20218 S. Wilmington Ave., Rancho Dominguez

ACCESS

S. Wilmington Ave.

ASSESSORS PARCEL NUMBER(S)

7318-011-810

SITE AREA

.09 Acres (Sub lease area)

GENERAL PLAN / LOCAL PLAN

Los Angeles County General Plan

ZONED DISTRICT

Del Amo Zoned District

LAND USE DESIGNATION

I – Major Industrial

ZONE

M-2 (Heavy Manufacturing)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

N/A

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.32.200 (M-2 Zone Development Standards)

CASE PLANNER:

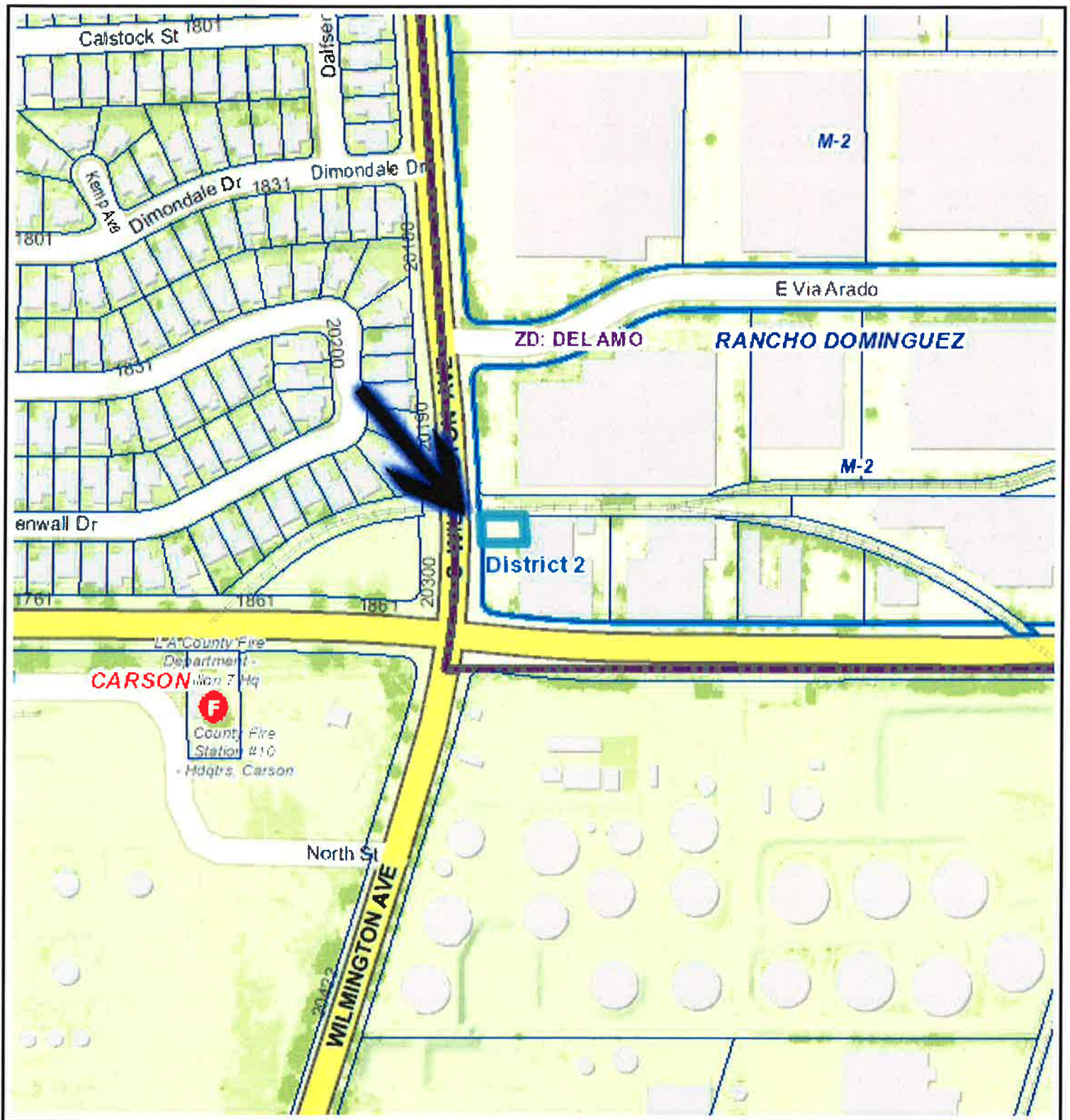
Travis Seawards

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Project R2012-02851-(2)

Property Location Map

Printed: Feb 19, 2014



0 500
Feet

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ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) for the continued operation and maintenance of an existing wireless telecommunications facility in the M-2 (Heavy Manufacturing) Zone pursuant to County Code Section 22.32.190. The applicant proposes to upgrade and replace the existing equipment. A wireless telecommunications facility is not a use specified in the Zoning Ordinance. The comparable use is radio and television stations and towers, which is subject to a CUP in all zones. The facility was previously authorized by CUP No. 01-031.

PROJECT DESCRIPTION

The project is a request for a CUP for the continued operation and maintenance of an existing 55-foot monopalm wireless telecommunications facility with 3 sectors of antennas (2 antennas per sector) for a total of 6 antennas located within a lease area of approximately 400-square feet. Within the fenced lease area are multiple equipment cabinets of up to 8-feet in height. An unassigned parking space is available within the parking lot of the shoe warehouse facility. The project includes the removal and replacement of six existing antennas with six new Air-21 Antennas, the removal and replacement of existing TMAs with three new twin AWS TMAs, and the installation of a new 8/18 HCS fiber cable. The wireless facility was previously authorized by CUP No. 01-031 on July 23, 2001. The project site is located on a portion of the parking lot adjacent to a shoe warehouse facility (APN 7318011810).

EXISTING ZONING

The subject property is zoned M-2.

Surrounding properties are zoned as follows:

North: M-2

South: City of Carson: Industrial uses

East: M-2

West: City of Carson: Residential uses

EXISTING LAND USES

The subject property is developed with a 21,145-square-foot warehouse shoe facility a parking lot with 31 spaces, fences, 600 square feet of landscaped areas, and the wireless telecommunications facility.

Surrounding properties are developed as follows:

North: Manufacturing facilities

South: Oil refinery

East: Manufacturing facilities

West: Single-family residences

PREVIOUS CASES/ZONING HISTORY

The subject property has the following case/zoning history:

- Ordinance No. 1494, adopted on September 12, 1927, zoned the area as M-2.

- Ordinance No. 6315, adopted on October 20, 1953, maintained the zoning of the area as M-2.
- Plot Plan No. 30436, approved on October 15, 1980, authorized business signage for the warehouse facility.
- Conditional Use Permit No. 01-031, approved on July 25, 2001, authorized the construction, operation, and maintenance of the existing wireless telecommunications facility.
- Zoning Conformance Review No. 2013-01028, approved on September 25, 2013, authorized the construction and maintenance of rooftop solar panels on the existing warehouse

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Structures or Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project is exempt because it involves the continuation of an existing facility and does not involve the construction of any new structures and new work only involves the replacement and upgrading of existing equipment. The project is located in an urbanized area on an industrially zoned parcel and is not in an environmentally sensitive area. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the Major Industrial land use category of the General Plan. This land use designation is intended to "insure that sufficient land is allocated for a wide range of industry related activities serving both the domestic and export markets and providing jobs for a large portion of the resident labor force." The continued operation and maintenance of the existing wireless telecommunications facility is consistent with this land use designation as it provides phone and data communication service in the urban area and is therefore consistent with the industry related activities permitted by this land use category.

Zoning Ordinance and Development Standards Compliance

The existing wireless facility was approved by CUP 03-031 on July 23, 2001. Since the facility was last approved, the Department established development guidelines for WTF projects. The facility is in compliance with the policy memorandum that relates to wireless telecommunications facilities (Subdivision & Zoning Ordinance Policy No. 01-2010 regarding Wireless Telecommunications Facilities dated July 26, 2010), as follows:

- Height
The ground-mounted wireless facility is 50-feet and does not exceed the M-2 Zone height limit and is less than 75 feet high, which is the maximum recommended height limit for wireless towers in this zone.

- Design
The ground-mounted wireless facility is camouflaged as a monopalm and the appurtenant equipment cabinets are appropriately screened.
- Security
The equipment cabinets are secured with locks.

Pursuant to Section 22.32.200 of the County Code, establishments in the M-2 Zone are subject to the following development standards:

- Outside storage or display (Section 22.32.200A)
The existing wireless facility is within a lease area which is fenced and the lease area will not be used for storage or display of raw materials, equipment, or finished products. Therefore the project complies with this requirement.
- Parking requirements (Section 22.32.200B)
As parking requirements for wireless telecommunications facility are not specifically listed in Part 11 of Chapter 22.52, a determination of the necessary parking is made to ensure that the use be served with adequate parking to prevent traffic congestion and excessive on-street parking. The wireless telecommunications facility is unmanned and requires periodic maintenance visits only, the frequency of which is estimated at once a month. The appropriate parking for the periodic maintenance visits would be one space, which does not need to be solely dedicated to the facility. As the show warehouse facility has adequate vehicle parking spaces, one of the spaces provided within that facility could be utilized for the parking of a maintenance vehicle and therefore the project complies with this requirement.
- Signage (22.32.200C)
The project is a wireless telecommunications facility with no existing or proposed signage. Therefore the project complies with this requirement.

Neighborhood Impact/Land Use Compatibility

The existing facility has been operated and maintained at this site since 2002 and there have not been any issues or concerns to date. It is anticipated that the continued operation and maintenance of the existing facility, as conditioned, will not have a negative impact on surrounding uses. The facility is compatible with the industrial development in the area as well as other uses permitted in the M-2 Zone, and is compatible with the subject property which currently operates as a show warehouse facility.

Site Visit

Staff conducted a site visit on January 9, 2014. The facility's lease area appeared to be well maintained.

Burden of Proof

The applicant is required to substantiate all facts identified by Section(s) 22.56.090 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

The project proposes the continuation of a previously approved wireless facility, and therefore no County departments were consulted on this project.

PUBLIC COMMENTS

The public hearing was appropriately noticed and no public comments were received.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2012-02851-(2), Conditional Use Permit Number 201200162, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201200162 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Travis Sowards/Andrew Svitek, Regional Planning Assistant II, Zoning Permits West Section

Reviewed by Mi Kim, Supervising Regional Planner, Zoning Permits West Section

Attachments:

Draft Findings

Draft Conditions of Approval

Applicant's Burden of Proof statement

Correspondence

Site Photographs, Photo Simulations, Aerial Image

PROJECT NO. R2012-02851-(2)
CONDITIONAL USE PERMIT NO. 201200162

STAFF ANALYSIS
PAGE 5 OF 5

Site Plan, Land Use Map

MKK:AS
2/12/14

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02851-(2)
CONDITIONAL USE PERMIT NO. 201200162**

1. **ENTITLEMENT REQUESTED.** The applicant, T-Mobile, is requesting a Conditional Use Permit (CUP) to authorize the continued operation and maintenance of a wireless telecommunications facility pursuant to County Code Section 22.32.190 in the M-2 (Heavy Manufacturing) Zone.
2. **HEARING DATE.** March 4, 2014
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.**
4. **PROJECT DESCRIPTION.** The project is a request for a CUP for the continued operation and maintenance of an existing 55-foot monopalm wireless telecommunications facility with 3 sectors of antennas (2 antennas per sector) for a total of 6 antennas located within a lease area of approximately 400-square feet. Within the fenced lease area are multiple equipment cabinets of up to 8-feet in height. An unassigned parking space is available within the parking lot of the shoe warehouse facility. The project includes the removal and replacement of six existing antennas with six new Air-21 Antennas, the removal and replacement of existing TMAs with three new twin AWS TMAs, and the installation of a new 8/18 HCS fiber cable. The wireless facility was previously authorized by CUP No. 01-031 on July 23, 2001. The project site is located on a portion of the parking lot adjacent to a shoe warehouse facility (APN 7318011810).
5. **LOCATION.** 20218 S. Wilmington Ave, Rancho Dominguez in the Del Amo Zoned District.
6. **EXISTING ZONING.** The subject property is zoned M-2 (Major Industrial). Surrounding properties are zoned as follows:
North: M-2
South: City of Carson: Industrial uses
East: M-2
West: City of Carson: Residential uses
7. **EXISTING LAND USES.** The subject property is developed with a 21,145-square-foot warehouse shoe facility a parking lot with 31 spaces, fences, 600 square feet of landscaped areas, and the wireless telecommunications facility. Surrounding properties are developed as follows:
North: Manufacturing facilities
South: Oil refinery
East: Manufacturing facilities
West: Single-family residences

8. **PREVIOUS CASES/ZONING HISTORY.** The subject property has the following zoning history:
- **Ordinance No. 1494**, adopted on September 12, 1927, zoned the area as M-2.
 - **Ordinance No. 6315**, adopted on October 20, 1953, maintained the zoning of the area as M-2.
 - **Plot Plan No. 30436**, approved on October 15, 1980, authorized business signage for the warehouse facility.
 - **Conditional Use Permit No. 01-031**, approved on July 25, 2001, authorized the construction, operation, and maintenance of the existing wireless telecommunications facility.
 - **Zoning Conformance Review No. 2013-01028**, approved on September 25, 2013, authorized the construction and maintenance of rooftop solar panels on the existing warehouse
9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the Major Industrial land use category of the General Plan. This land use designation is intended to "insure that sufficient land is allocated for a wide range of industry related activities serving both the domestic and export markets and providing jobs for a large portion of the resident labor force." The continued operation and maintenance of the existing wireless telecommunications facility is consistent with this land use designation as it promotes phone and data communications in the urban area and is therefore consistent with the industry related uses permitted in this land use category.
10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The project complies with the height, design and security requirements for WTFs (Subdivision & Zoning Ordinance Policy No. 01-2010 regarding Wireless Telecommunications Facilities dated July 26, 2010), as follows:
- **Height:** The ground-mounted wireless facility is 50-feet and does not exceed the M-2 Zone height limit and is less than 75 feet high, which is the maximum recommended height limit for wireless towers.
 - **Design:** The ground-mounted wireless facility is camouflaged as a monopalm and the appurtenant equipment cabinets are appropriately screened.
 - **Security:** The equipment cabinets are secured with locks.
11. The project is compliant with the development standards for the M-2 Zones as follows:
- **Outside storage or display (Section 22.32.200A):** The existing facility is within a lease area which is fenced and the lease area will not be used for storage or display of raw materials, equipment, or finished products.
 - **Parking requirements (Section 22.32.200B):** Parking requirements for wireless telecommunications facility are not specifically listed in Part 11 of Chapter

22.52; therefore, the director may require parking necessary to ensure that the use is served with adequate parking to prevent traffic congestion and excessive on-street parking. The wireless telecommunications facility is unmanned and requires periodic maintenance visits only, the frequency of which is estimated at once a month. The appropriate parking for the periodic maintenance visits is one space, which does not need to be solely dedicated to the facility. As the shoe warehouse facility has adequate vehicle parking spaces, one of the spaces provided within that facility could be utilized for the parking of a maintenance vehicle.

- Signage (22.32.200C): The project is a wireless telecommunications facility with no existing or proposed signage.
12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The existing facility has been operated and maintained at this site since 2002 and there have not been any issues or concerns to date. It is anticipated that the continued operation and maintenance of the existing facility, as conditioned, will not have a negative impact on surrounding uses. The facility is compatible with the industrial development in the area as well as other uses permitted in the M-2 Zone. The use is compatible with the subject property which currently operates as a retail shoe store.
13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** County departments were not required to comment on this conditional use permit application as it involves the continuing operation of an existing wireless telecommunications facility.
14. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
15. **PUBLIC COMMENTS.** The public hearing was appropriately noticed. No public comments were received.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

16. The continued operation and maintenance of the existing wireless telecommunications facility is consistent with the Major Industrial land use designation as it promotes phone and data communications and will be compatible with the permitted uses of the underlying land use category. Therefore, the proposed use will be consistent with the adopted general plan for the area.
17. The existing wireless communications facility is appropriately screened by a fence, and has sufficient setbacks from any street or residential property and is required to comply with all regulations regarding health and safety. Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be

materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

18. The wireless telecommunications facility is within a small lease area on a large industrial parcel and is served by adequate utilities and services. Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
19. The facility is within a lease area located on a parcel with direct access to public streets. Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

ENVIRONMENTAL DETERMINATION

20. The project involves the continued use of an existing wireless telecommunications facility with minor upgrading in an urban, developed area. Therefore, the project qualifies as a Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
21. **TERM LIMIT:** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to fifteen (15) years.
22. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize,

endanger or otherwise constitute a menace to the public health, safety or general welfare; and

- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing/meeting substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

- 1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201200162 is approved subject to the attached conditions.

ACTION DATE: March 4, 2014

MKK:TSS:AS
2/12/14

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02851-(2)
CONDITIONAL USE PERMIT NO. 201200162**

PROJECT DESCRIPTION

The project is the continued use, operation, upgrade, and maintenance of a wireless telecommunications facility subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5 and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on March 4, 2029.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the wireless telecommunications facility and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The

permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS – CONDITIONAL USE PERMIT (WIRELESS TELECOMMUNICATIONS FACILITY)

19. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
20. Upon completion of construction of the facility, the permittee shall provide upon request to the Zoning Enforcement Section of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.
21. Insofar as is feasible, the permittee shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
22. Any proposed WTF that will be co-locating on the proposed facility will be required to provide upon request the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of Regional Planning.
23. All structures shall conform to the requirements of the Division of Building and Safety of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.
24. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole

mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.

25. If the subject property is adjacent to residences, construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.
26. Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be built as depicted in the photo simulations presented at the public hearing.
27. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or garages.
28. The maximum height of the facility shall not exceed 55 feet above finished grade.
29. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.
30. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.
31. The facility shall be maintained in good condition and repair, and shall remain free of general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired by the permittee within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced by the permittee within 30 days of notice. Required landscaping shall be maintained at all times and shall be promptly replaced if needed.
32. Upon request, the permittee shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance and removal conditions.
33. The project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.
34. The facility shall be secured by fencing, gates and/or locks. All fencing or walls used for screening or securing the facility shall be composed of wood, vinyl, stone, concrete, stucco or wrought iron. Chain links, chain link with slats, barbed and other types of wire fencing are prohibited. If the facility's fences or walls are visible

from the public right-of-way, landscaping, in a minimum planter width of five feet, shall be provided to screen the fence or wall from the street.

35. Upon termination of this grant or after the construction of this facility, the facility has ceased to operate; the permittee shall remove such facility and clear the site of all equipment within six months of the cease of operation date. The permittee shall restore the site as nearly as practicable to the condition prior to the installation of the subject facility.
36. Appurtenant equipment boxes shall be screened or camouflaged.

MKK:TSS

2/19/14

Los Angeles County; Conditional Use Permit Burden of Proof Statement

A. The proposed Pacific Bell Wireless Telecommunications cell site, consisting of (1) 50 ft. high telecommunications monopole and two ground mounted equipment cabinets to be located at 20310 Wilmington Boulevard, Carson CA will not adversely effect the health peace comfort and welfare of persons residing or working in the surrounding area because; (1) The site is located at the rear of a retail business in a M-2 zone in an area surrounded by other M-2 heavy manufacturing. (2) The 50 foot high monopole is within the relative scale of adjacent oil refinery tanks and towers to the south and surrounding 30 foot high manufacturing buildings and thus will not be thought of as an obtrusive addition to the neighborhood and (3) The site will comply fully with Federal Communication Commission guidelines and regulations which stipulate that the site operate within certain RF frequency and power guidelines, thus protecting general public welfare health and safety.

The site will not be detrimental to the use, enjoyment or evaluation of the property or other persons in the vicinity as the site and surrounding properties are all located within a heavy manufacturing zone which allows telecommunication monopoles within the zone subject to CUP approval. The proposed facility will not emit any noise, hazardous materials or harmless RF transmissions or otherwise jeprodize or constitute a menace to the public health, safety or general welfare. The site will in fact enhance the public health, safety and welfare by providing needed improved wireless telecommunications required by businesses, public agenceies and residences in the surrounding area. Wireless telecommunications have proven to provide life safety emergency communications during natural disaster such as earthquakes and fires and police emergencies and thus are an invaluable means of communication for the general public, police, paramedics and fire depårtements.

B. The proposed site is more then adequate to provide space for the proposed 250 square foot outdoor equipment area in an existing landscape area within the employee parking area at the rear of the retail business. Because the site is unmanned and its addition will not eliminate any existing parking, there will be no impact on parking or traffic in the area. The existing trees in the landscaped area at the site will be removed and replaced with new trees relocated within the area to help screen the equipment from view as noted on the enclosed plan.

C. The proposed site is adjacent to Del Amo Boulevard (aprox. 50 ft. from the street.) accessible through an existing paved parking lot driveway, which is of sufficient width and improvement to serve this site. Because the site is unmanned, except for one four-hour visit once per month by a maintenance technician, the site will have no impact on traffic. Electrical service will be from an existing service to the site and since the site is unmanned, no domestic sewer or water service will be required.



Los Angeles County
Department of Regional Planning
Director of Planning James E. Hartl, AICP



LA 649-09 CDR

July 23, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Lemuel Hawkins
The Consulting Group, Inc.
18500 Von Karmen Avenue
Irvine, CA 92612

RE: CONDITIONAL USE PERMIT CASE NO. 01-031-(2)
20218 South Wilmington Avenue
To authorize the construction, operation and maintenance of an unmanned wireless telecommunications facility consisting of a 50 foot high monopalm with appurtenant equipment.

Dear Applicant:

PLEASE NOTE: This document contains the Hearing Officer's findings and order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 2 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 1390, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the necessary forms and the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant. The Hearing Officer's decision may also be called up for review by the Regional Planning Commission during the appeal period.

For further information on appeal procedures or any other matter pertaining to this approval, please contact the Zoning Permits Section at (213) 974-6443.

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: To authorize the construction, operation and maintenance of an unmanned wireless telecommunications facility consisting of a 50 foot high monopalm with appurtenant equipment.

FACTUAL SUMMARY:

July 10, 2001 Public Hearing

A duly noticed public hearing was held on July 10, 2001. The applicant's representative testified in support of the project. There being no further testimony, the Hearing Officer closed the public hearing. The Hearing Officer indicated his intent to approve the requested permit and directed staff to prepare findings and conditions for approval.

Findings

1. The applicant is requesting authorization to construct, operate and maintain an unmanned wireless telecommunications facility consisting of a 50 foot high monopalm with appurtenant equipment cabinets.
2. The subject property is zoned M-2 (Heavy Manufacturing).
3. Surrounding zoning consists of M-2 to the north and east and City of Carson to the south and west of the subject site.
4. The subject property is currently developed as a parking lot for the warehouse.
5. Surrounding land uses consists of manufacturing uses to the north, warehouse to the south and east and a gas station to the west.
6. As shown on the Countywide General Plan, the subject site is designated "Major Industrial". The areas depicted as major industrial are generally appropriate for industrial uses including manufacturing of all types, mineral extraction sites, refineries, warehousing and storage and product research and development. The intent of this designation is to assure that sufficient land is allocated for a wide range of industry and industry related activities serving both the domestic and export markets and providing jobs for a large portion of the resident labor force.
7. The existing use of the subject site, parking lot for the warehouse is compatible with this designation. The proposed use of a monopalm can also be found compatible with the general plan designation.
8. The site plan depicts the proposed lease area of 380 square feet, located in the southeast corner of the subject site. A proposed monopalm with six directional antennas is located in the middle of the leased area. The equipment cabinets comprising of primary BTS unit, secondary BTS unit and telco cabinet are shown

located south of the monopalm. The elevation depicts monopalm as 50 feet in height.

9. There are no previous zoning cases on the subject site.
10. The project was determined to be Categorically Exempt pursuant to CEQA guidelines.
11. There were no opposing comments received regarding this project.
12. A wireless telecommunications facility is a use not specified in the Zoning Ordinance. The closest described uses are radio and television towers. Pursuant to Section 22.32.190 of Title 22 of the Los Angeles County Code, these are permissible uses in the M-2 zone, provided a Conditional Use Permit has first been obtained.
13. Pursuant to the Zoning Ordinance, Section 22.52.1220 (Parking - uses not specified) One parking space should be provided. The parking space is required for site visits done on monthly basis by maintenance personnel.
14. The subject site is currently developed as a parking lot used by the adjacent warehouse. The warehouse is located on a separate parcel with 23 on-site parking spaces. The subject site is developed with 8 parking spaces.
15. The subject site is owned by Pacific Bell and there is no current lease agreement with the warehouse owner to provide parking for the warehouse or the shoe store. The proposed wireless facility will encroach on only one parking space and will reduce the total number of parking spaces from 32 to 31.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

REGARDING THE CONDITIONAL USE PERMIT:

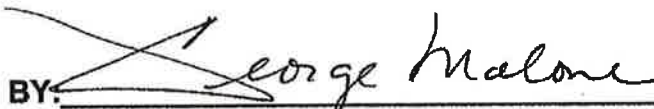
- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;

- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required;

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Section 22.56.090 Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Categorical Exemption together with any comments received during the public review process, finds on the basis on the whole record before the Hearing Officer that there is no substantial evidence the project will have a significant effect on the environment, finds that the Categorical Exemption reflects the independent judgment and analysis of the Hearing Officer and adopts the Categorical Exemption.
2. In view of the findings of fact presented above, Conditional Use Permit Case No. 01-031-(2) is **APPROVED**, subject to the attached conditions.

BY: 
GEORGE MALONE, HEARING OFFICER
Department of Regional Planning
County of Los Angeles

DATE: 23 July 2001

Attachments: Conditions
Affidavit

c: Each Commissioner, Zoning Enforcement, Building and Safety;

FM:SQ

CONDITIONAL USE PERMIT NO. 01-031-(2)

CONDITIONS
Page 1 of 3

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

5. This grant will expire unless used within two (2) years from the date of approval. A one-year time extension may be requested in writing and with the appropriate fee, before the expiration date.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

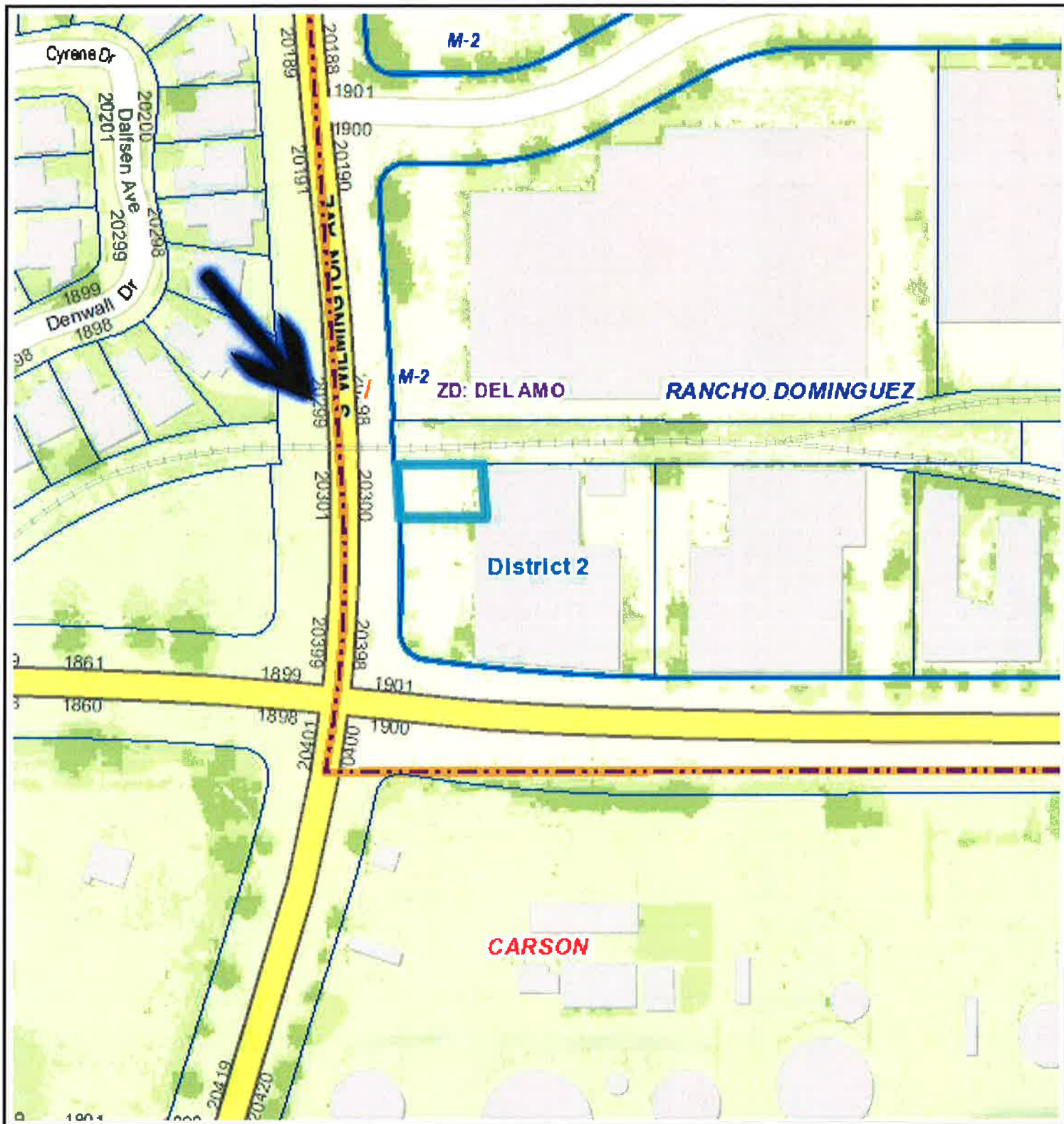
7. This grant will terminate on July 10, 2011. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the Permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
8. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of \$500.00. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for 5 biennial inspections. Should an application for co-location be approved, an additional \$500 shall be deposited into said fund.

If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
10. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
11. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
12. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about the said premises.

13. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
14. The property shall be maintained in substantial conformance with the approved Exhibit "A". In the event that subsequent revised plans are submitted the written authorization of the property owner is necessary.
15. This grant allows for the construction, operation, and maintenance of an unmanned wireless telecommunications facility consisting of a 50' high monopole with appurtenant equipment, subject to the following restrictions:
 - a. These facilities shall be operated in accordance with regulations of the State Public Utilities Commission;
 - b. Said facilities shall be removed if in disuse for more than six months;
 - c. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time;
 - d. The applicant shall ensure that a parking space is available for a maintenance vehicle;
 - e. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.

FM:SQ



Project R2012-02851-(2)

GIS Layers Map

Printed: Feb 19, 2014



0 200
Feet

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Site Photos

20218 S. Wilmington Ave





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